

To the Members of the California State Assembly:

I am returning Assembly Bill 1795 without my signature.

While I have supported, and continue to support state and local collaboration in siting and licensing residential care facilities, I am concerned this bill may have unintended consequences. AB 1795 may create additional obstacles to providing community housing to elderly Californians and persons with disabilities. This bill may delay licensure of much needed facilities by imposing additional requirements for notices to planning agencies, including the use of certified mail and other actions to follow up with the local agencies if the Department of Social Services does not receive the return receipt for its notice within 10 days.

California law already has protections in place to assure cities and counties are informed when a residential care facility may be licensed within a jurisdiction. Specifically, it requires that a city or county planning agency be noticed at least 45 days prior to a new community care residential facility being licensed. It also provides opportunities for local government to provide comments or raise concerns with the location of a facility.

As I share the author's interest in supporting state and local collaboration in licensing, I am directing the Department of Social Services to consider and implement additional strategies to ensure cities, counties and communities are aware of the potential licensure of residential care facilities within a jurisdiction.

I remain committed to the principles of the U.S. Supreme Court's Olmstead decision – supporting the rights of all individuals to live as independently as possible in the community and minimize the need for institutionalization. Creating longer delays in the licensure of residential care facilities could counter our Olmstead efforts.

Sincerely,

Arnold Schwarzenegger